

REMARKS

Claims 1-63 are pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Allowed Claims:

Claims 61-63 have been allowed by the Examiner. Applicants thank the Examiner for consideration of these claims.

Double Patenting Rejections:

The Examiner rejected claims 1-6, 8-11, 16, 17, 20-25, 27-30, 35, 36, 39-44, 46-49, 54, 55 and 58-60 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-39 of co-pending Application No. 09/552,984, over claims 1-44 of U.S. Patent 6,839,748, over claims 1-30 of U.S. patent 6,813,770, over claims 1-34 of U.S. Patent 6,915,324 and over claims 1-34 of U.S. Patent 6,950,935. Applicants traverse these rejections on the grounds that the Examiner has not stated a proper *prima facie* rejection.

As argued previously, the Examiner has failed to present a *prima facie* obviousness-type double patenting rejection. According to MPEP 804.II.B.1, “the analysis employed in an obviousness-type double patenting determination parallels the guidelines for a 35 U.S.C. 103(a) rejection.” This section of the MPEP also states that the same “factual inquires ... that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are employed when making an obviousness-type double patenting analysis.” MPEP 804.II.B.1 also states that **the Examiner should list the differences between each rejected claim and the claims of the other patent/application, and for each difference the Examiner should give the reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim is an obvious variation of the invention defined in a claim of the**

other patent/application.

The Examiner does not specifically address **each difference** of **each claim** of the present application compared to the claims of the other applications. Instead, the Examiner improperly lumps all the claims together without addressing each specific difference.

On p. 2, para. 3, of the current Office Action, the Examiner also states that Applicants should consider their own previous remarks. However, the remarks noted by the Examiner were in regard Applicants' own specification (not prior art) and pertained to a previous § 112, First Paragraph, rejection. These remarks are not in any way inconsistent with Applicants' arguments in regard to the double patenting rejections. Applicants' remarks referenced by the Examiner have absolutely no relevance to the double patenting rejections.

Also in the Response to Arguments (Office Action mailed November 28, 2007, p. 2), the Examiner contends that "the concerned limitations for the dependent claims were not identified in the remarks..." Firstly, according to MPEP 804.II.B.1, **the burden is clearly on the Examiner to list the differences** between **each rejected claim** and the claims of the other patent/application and explain how each difference would be obvious, as demonstrated above (and previously). The Examiner has never substantively responded to Applicants arguments regarding the Examiner's failure to address **each difference of each claim** of the present application compared to the claims of the other applications. Secondly, in the response dated September 17, 2007, Applicants did point out various differences between Applicants' claims, both independent and dependent claims, and the cited art (See, e.g., Response dated September 17, 2007, pp 17-21), which the Examiner has failed to address.

For instance, as argued in Applicants' previous response, the Examiner has failed to address the differences between claims 1- 60 and the claims of the 6,950,935 patent. Claims 1 – 60 recite limitations not recited in the claims of the 6,950,935 patent. For

example, none of the claims of the 6,950,935 patent recite anything regarding a gateway configured to deliver events generated by managed objects, as recited in claim 1 of the current application.

Similarly, (as also argued previously) the claims of the current application recite additional subject matter not recited by any of the claims of the 6,950,935 patent. For example, none of the claims of the 6,950,935 patent recite anything regarding: a gateway configured to authentication managers as a function of the identity of the managed object (claim 3), authenticating a manager as a function of the identify of the managed object (claim 3), delivering requests or events through a platform-independent interface according to Internet Inter-Object Protocol (IIOP) (claim 5), a telephone network (claim 8), telecommunication device (claim 9), providing security audit trails (claim 10), providing access to a logging service (claims 11-15).

Applicants have also pointed out that the Examiner has also fails to address specific differences between claims 1-60 and the claims of the 6,915,324, 6,839,748 and 6,813,770 patents. For instance, none of the claims of the 6,915,324, 6,839,748 and 6,813,770 patents recite anything regarding a gateway configured to deliver events generated by managed objects, as recited in claim 1 of the current application. Additionally, none of the claims of the 6,915,324, 6,839,748 and 6,813,770 patents recite anything regarding: a gateway configured to determine whether each manager is authorized to communicate with each of the managed objects (claim 2), a gateway configured to authentication managers as a function of the identity of the managed object (claim 3), authenticating a manager as a function of the identify of the managed object (claim 3), authenticating managers as a function of user IDs (claim 4), delivering requests or events through a platform-independent interface according to Internet Inter-Object Protocol (IIOP) (claim 5), providing security audit trails (claim 10), providing access to a logging service (claims 11-15).

Moreover, the Examiner specifically admits that the claims of the 6,839,748, 6,813,770, 6,915,324, and 6,950,935 patents do not recite anything regarding providing

object-level access control at the individual object level so that one of the managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects as recited by claims 1, 20, 39, and 58-62. The Examiner relies on CORBA/TMN and Barry. However, CORBA/TMN and Barry, whether considered singly or in combination with each other and any of the 6,839,748, 6,813,770, 6,915,324, and 6,950,935 patents do not teach or suggest providing object-level access control at the individual object level so that one of the managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects.

Thus, contrary to the Examiner's assertion, Applicants have clearly and repeatedly pointed out many example differences between Applicants' claims and the claims of the cited art relied on by the Examiner. However, **The Examiner has never substantively responded to this argument or addressed the differences between Applicants claims and the claims of the 6,839,748, 6,813,770, 6,915,324, and 6,950,935.** Applicants respectfully point out that it is the Examiner's burden, not Applicants', to list and address each different of each claim of the present application compared to the claims of the cited applications and maintain that the Examiner has failed to address each difference between each rejected claim and the claims of the 6,839,748, 6,813,770, 6,915,324, and 6,950,935 patents.

Since the Examiner has clearly not addressed the above-noted differences (and others), a *prima facie* rejection has not been stated.

Instead, the Examiner has rejected claims 1-60 based on a broad generalization of the claimed subject matter. For example, in the rejection of claims 1-60 over claims 1-44 of U.S. Patent 6839748, the Examiner states that U.S. Patent 6839748 "does not specifically mention about usage of Individual object level." The Examiner then relies on CORBA/TMN to disclose "using Individual object level" and "using SAP". The Examiner also relies on Barry to disclose "using Individual object level."

The Examiner's rejection is based on combining different, general, concepts, such as "using individual object level" and "using SAP" rather than relying upon specific teachings of the cited art. For example, the Examiner asserts that CORBA/TMN teaches, "using Individual object level". However, the claims do not recite "using Individual object level." When considering what is actually recited in the claims, CORBA/TMN does not teach providing object-level access control at the individual object level. Instead, CORBA/TMN uses a completely different type of access control from object-level access control. CORBA/TMN teaches domain-based access control. For example, CORBA/TMN states that objects (both managed and manager) are grouped into domains and that domains "are considered the unit of accessibility" and that each domain, "may have any number of objects within it" (CORBA/TMN, page 2-8, paragraph 7). Objects must gain access to a target object's domain and can then access any object within that domain. Thus, CORBA/TMN teaches domain-level access control, not object-level access control. The fact that CORBA/TMN may refer to objects individually in other circumstances does not imply object-level access control at the individual object level.

Similarly, the Examiner relies on Barry to teach or suggest "using Individual object level", citing column 15, lines 31 – 62 of Barry. Again, the claims do not recite "using Individual object level." Barry, whether considered individually or in combination with CORBA/TMN, does not teach or suggest anything regarding providing object-level access control *at an individual object level*, as recited in Applicants' claim. Instead, Barry describes an order entry application used "to order, fulfill, and bill for, as well as administer, the suite of data management applications." Barry describes that all access to the suite of applications is controlled by user identifiers and passwords and that "individual users are specifically granted access to only the necessary system objects, i.e., file, programs, menus, reports, etc." However, Barry fails to teach or suggest any object-level access control provided at an individual object level. Instead, Barry teaches that the Order Entry application "provides the ability to prevent unauthorized, non-customer access to data and applications in the system." Thus, Barry's access control is provided on a user or client basis, not at an individual object level.

Thus, the Examiner's reliance on a combination of CORBA/TMN and/or Barry to suggest the obviousness of including "the concept of using Individual object level and ... SAP" with the claimed subject matter of the 6,839,748, 6,813,770, 6,915,324, and 6,950,935 patents "in order to utilize the benefit provided by them" is clearly misplaced. Simply stating that "it would have been obvious ... in order to utilize the benefit provided by [CORBA/TMN and Barry teachings]" is not a valid reason why a person of ordinary skill in the art would conclude that the invention defined in each claim is an obvious variation of the invention defined in a claim of the other patent/application. Furthermore, as noted above, CORBA/TMN and Barry, whether considered alone or in combination, fail to teach or suggest the subject matter on which the Examiner relies. **Applicants note that the Examiner has had ample opportunity to address Applicants' arguments regarding the differences between Applicants' claims and the subject matter of the 6,839,748, 6,813,770, 6,915,324, and 6,950,935 patents, but has failed to do so.**

The Examiner clearly has clearly not met the requirements stated in MPEP 804.II.B.1 to establish a *prima facie* obviousness-type double patenting rejection. Accordingly, Applicants respectfully request removal of the double patenting rejection of claims 1-60.

The Examiner also provisionally rejected claims 1-60 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1- 39 of copending application 09/552,984, and over claims 1-45 of co-pending application 09/557,068. If and/or when these rejections becomes non-provisional, Applicants will consider filing a terminal disclaimer or present reasons traversing the rejection. However, Applicants note that these rejections appear flawed for similar reasons as discussed above.

Section 112, Second Paragraph, Rejections:

The Examiner rejected claims 1-60 under 35 U.S.C. § 112, second paragraph, as

being incomplete “for omitting essential steps/elements/structural cooperative relationships of elements, such omission amounting to a gap between the steps/elements/necessary structural connections”. Applicants respectfully traverse this rejection for at least the following reasons.

The Examiner rejects claims 1-60 as incomplete because “one skilled in the art very well knows that element 408 of the figure 4 cannot be accomplished without usage of EDS source and EDS sink” (Office Action dated November 28, 2007, pp. 7-8). Specifically, the Examiner simply states the conclusion, without any supporting evidence, that “one skilled in the art very well knows that element 408 of the figure 4 cannot be accomplished without usage of EDS source and EDS sink.”

However, the use of an EDS source and EDS sink is merely described as *one embodiment* in Applicants’ specification, *not* as the only possible implementation. The Examiner further contends, “as per the specification these identified elements (e.g., EDS Source and EDS Sink) are necessary to accomplish the claimed invention” (Final Office Action, November 28, 2007, p. 8). **The Examiner is incorrect.** Nowhere does Applicants’ specification state that the use of an EDS source and EDS sink is necessary or essential.

Furthermore, the Examiner is merely relying on the Examiner’s own opinion that “element 408 of the figure 4 cannot be accomplished without the usage of EDS source and EDS Sink” (Office Action, dated November 28, 2007, p 8). **The Examiner is incorrect.** The Examiner does present any evidence that supports the Examiner’s erroneous contention.

Moreover, Applicants’ strongly disagree with the Examiner’s contention that “[f]urther usage of authentication module and the usage of module that prevent from interfacing is necessary as per the applicant”, citing Applicant’s previous response (dated July 2, 2006), page 28. Applicants did not, and have not, stated that usage of an authentication module and/or providing object level access control requires the particular

embodiment of EDS source and EDS sink illustrated in FIG. 4. Applicants' previous remarks were directed to showing that the amendment to FIG. 4 is properly supported by Applicants' specification. Nowhere does Applicants' specification state that usage of an authentication module and usage of a module that prevents from interfacing are necessary or essential, in contrast to the Examiner's assertions.

The Examiner also rejected claims 58-63 as incomplete, arguing that these claims do not recite a "[s]tructural connection and relationship between the gateway and the request service access point" and "the required 'user information included with each request' and determining using the user information that is necessary for the request service access point (RequestSAP) to provide object-level access control" (Office Action, pages 9-10). The Examiner further asserts, "[t]he claimed requestSAP is no different that the regular application SAP without user information etc."

However, the Examiner is relying on only one particular embodiment described in Applicants' specification and improperly requiring inclusion of that particular embodiment in Applicants' claims. Just because Applicants' specification describes certain details regarding a particular embodiment does not imply that those details are necessarily required in every embodiment. Applicants note that the Examiner has failed to respond to this argument in any way.

Furthermore, the Examiner's opinion that the "requestSAP is no different that the regular application SAP without user information" overlooks the fact that Applicants' claims recite a gateway that provides object-level access control at an individual object level so that one of the one or more managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects and that uses "a request Service Access Point (SAP) for requests and responses" (e.g., claim 58).

The Examiner is simply incorrect that claims 58-63 require the user information for each request and determining the user information. Applicants are not arguing that

embodiments of the present invention never include such user information or determine the user information as described by the Examiner. However, Applicants are arguing that Applicants' claims are complete and do not omit any essential steps, elements or structural cooperative relationships of elements. **The Examiner is merely attempting to require recitation of a specific and particular embodiment described in Applicants' specification.** Such a requirement is improper. In fact, the Examiner, in the Response to Arguments, specifically points out, "Although the claims are interpreted in light of the specification, **limitations from the specification are not read into the claims**" (Office Action, November 28, 2007, p. 4, citing *In re Van Geuns*, emphasis added). However, the Examiner is improperly attempting to require recitation of a specific and particular embodiment described in Applicants' specification.

Thus, for at least the reasons presented above, Applicants respectfully request removal of the §112, second paragraph, rejections of claims 1-60.

Section 103(a) Rejections:

On p. 3, para. 7, of the current Office Action, the Examiner states that Applicants' arguments in regard to the prior art rejections are either misleading or irrelevant since the rejections do not rely on the art as argued. **The Examiner is incorrect.** Applicants' arguments clearly show that none of the cited references, whether considered alone or in combination, teach or suggest a gateway configured to provide object-level access control between the one or more managers and the managed objects to receive the one or more events from or to send the one or more requests to the managed objects, where the object-level access control is provided at an individual object level so that one or of the one or more managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects. Moreover, Applicants' arguments in regard to Barry show that the Examiner's reliance on Barry to teach "usage at individual object level" does not teach Applicants' claimed invention even if considered in combination with the other references. Also, Applicants' arguments in regard to Barker show how Barker specifically teaches a system that does not employ

object-level access control and it would be counter to the principle of operation of Barker's system to modify it to employ object-level access control. **Such considerations are always relevant in an obviousness determination.** Prior art references must be considered for what the teach as a whole. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984).

On p. 3, para. 7, of the current Office Action, the Examiner also states that Applicants should consider their own previous remarks. However, the remarks noted by the Examiner were in regard Applicants' own specification (not prior art) and pertained to a previous § 112, First Paragraph, rejection. These remarks are not in any way inconsistent with Applicants' arguments below in regard to the prior art. Applicants' previous remarks referenced by the Examiner have absolutely no relevance to the § 103 rejections.

On pp. 4-5 of the current Office Action, the Examiner makes reference to various case law citations. However, the Examiner does not provide an explanation of how any of the cited cases or principles actually relate to any particular argument or aspect of the rejections. All of Applicants' arguments are consistent with the cases and principles referenced by the Examiner. As shown below, the cited art simply does not teach or suggest Applicants' claimed invention.

The Examiner rejected claims 1, 5-7, 9, 16, 17, 20, 24-26, 28, 35, 36, 39, 43-45, 47, 54, 55 and 58-60 under 35 U.S.C. § 103(a) as being unpatentable over Barker-Lucent, et al. (U.S. Patent 6,363,421) (hereinafter "Barker-Lucent") in view of Barry et al. (U.S. Patent 6,615,258) (hereinafter "Barry") and JIDM Interaction Translation, Initial Submission to OMG's CORBA/TMN Internetworking RFP (hereinafter CORBA/TMN), claims 8, 27 and 46 as being unpatentable over Barker-Lucent, Barry and CORBA/TMN in view of Official Notice, claims 2-4, 10, 21-23, 29, 40-42 and 48 as being unpatentable over Barker-Lucent, Barry and Corba/TMN in view of Olden (U.S. Patent 6,460,141), claims 11-15, 30-34 and 49-53 as being unpatentable over Barker-Lucent, Barry, CORBA/TMN and Olden in view of Official Notice, claims 18, 37 and 56 as being

unpatentable over Barker-Lucent, Barry and CORBA/TMN in view of Hearne et al. (U.S. Publication 2001/0052113) (hereinafter “Hearne”) in view of Solstice Enterprise Manager 4.1 Managing Your Network....(hereinafter “SUN”), claims 19, 38 and 57 as being unpatentable over Barker-Lucent, Barry and CORBA/TMN in view of Hearn, claims 1, 5-7, 9, 16, 17, 20, 24-26, 28, 35, 36, 43-45, 47, 54, 55 and 58-60 as being unpatentable over Barker-Lucent in view of Barry and Buckle, et al., claims 8, 27 and 46 as being unpatentable over Barker-Lucent, Barry and Buckle in view of Official Notice, claims 2-4, 10, 21-23, 29, 40-42 and 48 as being unpatentable over Barker-Lucent, Barry and Buckle in view of Olden, claims 11-15, 30-34 and 49-53 as being unpatentable over Barker-Lucent, Barry, Buckle and Olden in view of Official Notice, claims 18, 37 and 56 as being unpatentable over Barker-Lucent, Barry and Buckle in view of Hearn and SUN, and claims 19, 38 and 57 as being unpatentable over Barker-Lucent, Barry and Buckle in view of Hearne. Applicants respectfully traverse these rejections for at least the following reasons.

Regarding claim 1, contrary to the Examiner’s assertion, the combination of Barker, Barry and CORBA/TMN fails to teach or suggest a gateway configured to provide object-level access control between the one or more managers and the managed objects to receive the one or more events from or to send the one or more requests to the managed objects, where the object-level access control is provided at an individual object level so that one or of the one or more managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects.

Barker discloses a system including “access control based on client name and password” (Barker, column 8, lines 45-46). Barker describes this as “a method of *client based access control* of network elements” (emphasis added, Barker, column 30, lines 45-46). Further, Barker summarizes his access control features as “the *client based access control* ... provides a means to restrict access on a *command/client basis*”, and does not describe his access control features as restricting access at the object level (emphasis added, Barker, column 31, lines 10-12).

The Examiner asserts that Barker teaches a gateway configured to provide “object-level control”, referring to the use of a naming service and citing column 8, line 53 – column 9, line 19, and column 7, lines 47-63. The Examiner is incorrect. These passages of Barker only refer to Barker’s use of EAPI, CORBA, Java, C++ and SNMP, but fail to mention anything regarding any sort of “object level control”. Although Java and C++ are object-oriented programming languages, that does not imply any sort of object-level control for delivering events to or receiving requests from managed objects as recited in claim 1, contrary to the Examiner’s assertion. Additionally, “object-level control” (as stated by the Examiner) is not the same as “object-level *access* control” (as recited in claim 1). Controlling an object and control access to that object are two very different things. Thus, the Examiner’s comments in regard to the teachings of Barker are not relevant to the actual limitations recited in claim 1.

Barry teaches a web-based, integrated customer interface system for data management. Barry’s customer interface system includes a graphical user interface for enabling a user to interact with services provided by remote servers located in the Internet and utilizes a web paradigm to allow easy and convenient access to all of the services from the user’s perspective. The Examiner relies on Barry to teach or suggest “usage at individual object level”, citing column 15, lines 31 – 62 of Barry.

However, Applicants’ claim does not recite “usage at individual object level” as relied on by the Examiner. Instead, Applicants’ claim recites that “object-level access control is provided at an individual object level so that one or more managers is granted access to one of the managed objects while being prevented from interfaces with a different one of the managed objects.” The cited portion of Barry does not mention anything regarding providing object-level access control at an individual object level, as recited in Applicants’ claim. Instead, at the cited passage, Barry describes an order entry application used “to order, fulfill, and bill for, as well as administer, the suite of data management applications.” Barry describes that all access to the suite of applications is controlled by user identifiers and passwords and that “individual users are specifically

granted access to only the necessary system objects, i.e., file, programs, menus, reports, etc.” However, Barry fails to teach or suggest any object-level access control provided at an individual object level. Instead, Barry teaches that the Order Entry application “provides the ability to prevent unauthorized, non-customer access to data and applications in the system.” Thus, Barry’s access control is provided on a user or client basis, not at an individual object level.

Additionally, it is unclear how “usage at an individual object level” relates to object-level access control. **The fact that Barry teaches a graphical user interface for enabling a user to interact with services provided by remote servers has absolutely no relevance to object-level access control.** Additionally, even if it were proper to combine the references, the combination of Barker and Barry would at most result in Barker’s system, including client-based access control that utilizes the graphical user interface taught in Barry. Such a combination does not teach or suggest anything about object-level access control for delivering events to or receiving requests from managed objects as recited in claim 1.

The Examiner relies on CORBA/TMN to teach “access control”, citing page 4-62. However, CORBA/TMN uses a completely different type of access control from object-level access control. CORBA/TMN teaches *domain-based access control*. For example, CORBA/TMN states that objects (both managed and manager) are grouped into domains and that domains “are considered the unit of accessibility” and that each domain, “may have any number of objects within it” (CORBA/TMN, page 2-8, paragraph 7). Objects must gain access to a target object’s domain and can then access any object within that domain. Thus, CORBA/TMN teaches domain-level access control, not object-level access control.

The Examiner argues that the “object-level control” of Barker combined with the “concept of usage at individual object level” of Barry and further combined with the domain-based “access control” of CORBA/TMN somehow teaches or suggest the specific limitation of providing object-level access control between managers and

managed objects to receive the one or more events from or to send the one or more requests to the managed objects, where the object-level access control is provided at an individual object level, as recited in Applicants' claim 1. **The Examiner's position is completely unsupported by the actual teachings of the cited art.** None of the references, either alone or in combination teach or suggest object-level access control between managers and managed objects to receive the one or more events from or to send the one or more requests to the managed objects, where the object-level access control is provided at an individual object level, as recited in Applicants' claim 1. Instead, as shown above, Barker, Barry and CORBA/TMN all teach access control that is specifically not provided at an individual object level. The access control of Barker is at the client level, Barry's is at the user level, and the access control of CORBA/TMN is at the domain level. Furthermore, Barry is completely silent in regard to any type of access control for receiving events from or sending requests *to managed objects*, as managed objects are understood in the art.

The Examiner's combination of Barker, Barry and CORBA/TMN does not in any way teach or suggest a gateway that is configured to provide object-level access control between the one or more managers and the managed objects to receive the one or more events from or to send the one or more requests to the managed objects, where the object-level access control is provided at an individual object level so that one or of the one or more managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects, as recited in claim 1. Instead, even if the combination of references was proper, the Examiner's proposed combination of Barker, Barry and CORBA/TMN would at most result only in the CORBA-based remote management system of Barker, that utilized the graphical user interface as taught by Barry and that also includes domain-level access control as taught by CORBA/TMN. Thus, the Examiner's proposed combination of Barker, Barry and CORBA/TMN clearly does not teach all the limitations of Applicants' claim 1. As the Examiner is surely away, to establish a *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Obviousness cannot be

established by combining or modifying the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion or incentive to do so. *In re Bond*, 910 F. 2d 81, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990). Since, as shown above, the Examiner's combination of Barker, Barry and CORBA/TMN fails to teach all the limitations of Applicants' claim 1, the Examiner has failed to provide a *prima facie* rejection.

Moreover, there is no reason found in the evidence of record to combine the teachings of the cited art in a way that would result in Applicants' claimed invention. The rejection of claim 1 is clearly a case of the Examiner simply attempting to identify features of Applicants' claimed invention in disparate references. The Examiner is clearly attempting a piecemeal reconstruction of Applicants' invention in hindsight without considering the claimed invention as a whole. Such reconstruction is improper. *See, e.g., Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1985) (it is insufficient to select from the prior art the separate components of the inventor's combination, using the blueprint supplied by the inventor); *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051-52, 5 USPQ 2d 1434, 1438 (Fed. Cir. 1988) (it is impermissible to reconstruct the claimed invention from selected pieces of prior art absent some suggestion, teaching, or motivation in the prior art to do so). The Examiner cannot use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. *In re Fritch*, 23 USPQ 2d 1780, 1784 (Fed. Cir. 1992). "One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988).

The Examiner merely states that it would have been obvious to combine the teachings of Barker and Barry "because the concept of accessing individual object level would enhance supporting event / request by the object." This statement by the Examiner is found nowhere in any evidence of record and thus can only have come in hindsight from Applicants' own teachings. An obviousness claim that lacks factual evidence of a

reason for one of skill in the art to combine prior art references to produce the claimed invention is defective as hindsight analysis. In addition, “Broad conclusory statements regarding the teaching of multiple references, standing alone, are not ‘evidence’.” *In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999). The art must fairly teach or suggest to one to make the specific combination as claimed. That one achieves an improved result by making such a combination is no more than hindsight without an initial suggestion to make the combination. Such an initial suggestion must be supported by evidence of record. The Examiner’s stated reason is merely a desired result from the combination in an attempt to reconstruct Applicants’ claimed invention, not a reason to combine Barker and Barry. **The Examiner has failed to ever substantively respond to this argument.**

The Examiner has also failed to state a proper reason to combine the teachings of CORBA/TMN with those of Barker and Barry. The Examiner states that it would have been obvious to combine the teachings of Barker and Barry with those of CORBA/TMN “because the concept of accessing a single object would enhance supporting event/request for the particular object.” The Examiner also states that “prevention of accessing the other object when accessing the object would enhance supporting event/request specific to the object and not in common with the other object”. These statement by the Examiner are found nowhere in any evidence of record and thus can only have come in hindsight from Applicants’ own teachings. None of the cited art suggests “prevention of accessing the other object when accessing the object would enhance supporting event/request specific to the object and not in common with the other object”. The Examiner has again merely stated a desired result from the combination in an attempt to reconstruct Applicants’ claimed invention, not a reason to combine the teachings of CORBA/TMN with those of Barker and Barry.

Whether a reason to combine prior art references has been demonstrated is a question of fact. *Winner Int’l Royalty Corp. v. Wang*, 202 F.3d 1340, 1348, 53 USPQ2d 1580, 1586 (Fed. Cir. 2000). The statute clearly places the burden of proof to satisfy the question of fact on the Examiner which requires him to produce the factual basis for his

rejection. *In re Warner*, 154 USPQ 173, 177 (C.C.P.A. 1967), *cert. denied*, 389 U.S. 1057 (1968). **The Examiner has completely failed to meet his burden of proof since the Examiner has not provided any factual evidence showing a proper reason to combine Barker, Barry and CORBA/TMN.** “The factual inquiry whether to combine references must be thorough and searching.” *McGinley v. Franklin Sports, Inc.*, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001). It must be based on objective evidence of record. “This precedent has been reinforced in myriad decisions, and cannot be dispensed with.” *In re Lee*, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002). *See, e.g., In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) (“particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed”); *In re Roufflet*, 149 F.3d 1350, 1359, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998) (“the [Examiner] must identify specifically the principle, known to one of ordinary skill, that suggests the claimed combination. In other words, the [Examiner] must explain the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious.”); *In re Fritch*, 972 F.2d 1260, 1265, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992) (the examiner can satisfy the burden of showing obviousness of the combination “only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references”).

Furthermore, Barker teaches away from object-level access control. Barker teaches that a client can specify a range of managed object instance identifiers, or even *request all instances* in a managed object call through the managed object instance identifier parameter (Barker, column 25, lines 27-28). Hence, Barker teaches that once a client has been properly authenticated at the start of a session, that client may then register for attribute update notification for a number of managed objects through a single call. Such functionality is clearly not compatible with object-level access control, and thus Barker clearly teaches away from object-level access control, wherein the object-level access control is provided at the individual object level so that one of the managers is granted access to one of the managed objects while being prevented from interfacing

with a different one of the managed objects. Thus, **Barker actually teaches away** from the Examiner's proposed combination of Barker, Barry and CORBA/TMN. References that teach away cannot serve to create a prima facie case of obviousness. *In re Gurley*, 27 F.3d 551, 553, 31 USPQ2d 1131, 1132 (Fed. Cir. 1994). Moreover, since Barker teaches away from object-level access control, modifying Barker to use object-level access control would necessarily change the principle of operation of Barker's system. As the Examiner is surely away, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious; M.P.E.P. § 2143.01; and *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Thus, for at least the reasons above, the rejection of claim 1 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 1 also apply to claims 58.

Regarding claim 20, the combination of Barker, Barry and CORBA/TMN does not teach or suggest determining on a managed object level whether or not the manager application is allowed to receive an event generated by one of a plurality of managed objects or to send a request to the one of the plurality of managed objects as a function of the identity of the user of the manager application. The Examiner cites column 7, lines 47-63 and column 8, line 53 – column 9, line 19 of Barker. However, the cited passages do not mention anything about determining *on a managed object level* whether or not a manager application is allowed to receive an event generated by a managed object or send a request to a managed object as a function of the identity of the user of the manager application. Instead, these passages of Barker only refer to his use of EMAPI, CORBA, Java, C++, and SNMP, but fail to mention anything regarding any sort of access control for any portion of Barker's system. The Examiner has not cited any particular portion in Barker that describes the features the Examiner is attributing to Barker's system. In fact, the Examiner is incorrectly assuming that Barker's use of CORBA and the IIOP protocol includes object level access control such that one of the managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the

managed objects.

Barker further teaches the use of a single service object “to provide services for a class of managed objects” (underlining added) (Barker, column 14, lines 42-43) and that the EM server “will implement one application-specific service object for each type of physical or logical resource to be managed” (underlining added) (Barker, column 39, lines 60-62). Applicants assert that access control on a command/client basis while using a single service object for *each class* of managed object actually teaches away from determining *on a managed object level* whether or not the manager application is allowed to send a request to the managed object. As note above

Furthermore, Barker fails to disclose that access for the manager application to receive the event or send the request is approved or denied for said one of the plurality of managed objects at the individual object level so that the manager application is granted access to one of the plurality of managed objects while being prevented from interfacing with a different one of the plurality of managed objects. Instead, Barker discloses a method “of *client based* access control of network elements” (emphasis added, Barker, column 30, lines 45-46) that “provides a means to restrict access on a *command/client basis*” (emphasis added, Barker, column 31, lines 10-12). Barker does not describe his access control features as restricting access at the object level. Please refer to Applicants arguments above regarding claim 1 for a more detailed discussion regarding Barker’s failure to teach object level access control.

Barry and CORBA/TMN are not relied upon by the Examiner to teach this limitation, nor do they overcome the above-noted deficiencies of Barker regarding determining on a managed object level whether or not the manager application is allowed to receive an event generated by one of a plurality of managed objects or to send a request to the one of the plurality of managed objects as a function of the identity of the user of the manager application. Or about where access for the manager application to receive the event or send the request is approved or denied for said one of the plurality of managed objects at the individual object level so that the manager application is granted

access to one of the plurality of managed objects while being prevented from interfacing with a different one of the plurality of managed objects. Thus, the Examiner's combination of Barker, Barry and CORBA/TMN does not teach or suggest the limitations of Applicants' claim 20.

For at least the reasons given above, the rejection of claim 20 is not supported by the prior art and its removal is respectfully requested. Similar remarks as discussed above in regard to claim 20 apply to claims 39, 59, and 60.

The Examiner rejected claims 8, 27 and 46 under 35 U.S.C. § 103(a) as being unpatentable over Barker, Barry and CORBA/TMN in view of Official Notice. Applicants respectfully traverse this rejection of at least the reasons below.

In regard to claims 8, 27 and 46, the Examiner takes official notice that "both the concept and advantages of providing [an] object corresponding to a telephone network is well known and expected in the art." Pursuant to M.P.E.P. § 2144.03, Applicant traverses the Examiner's taking of Official Notice in regard to the specific combination of features recited in claims 8, 27 and 46. Applicant asserts that it was not well known in the prior art for a gateway coupled to a plurality of managed objects and which is configured to deliver events generated by the managed objects to one or more managers or to deliver one or more requests generated by the one or more managers to one or more of the managed objects and wherein the gateway is configured to provide object-level access control between the one or more managers and the managed objects, wherein the managed objects comprise one or more objects corresponding to a telephone network. Pursuant to M.P.E.P. § 2144.03 Applicants repeat the assertion that "the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. *See also* 37 CFR 1.104(c)(2), (d)(2) and *In re Zurko*, 258 F.3d 1379, 1386 (Fed. Cir. 2001).

In the Response to Arguments (Office Action, June 18, 2007, pp. 6-7 and Final Action, November 28, 2007, p. 6), the Examiner cites Reisman, Reed, Arango and Kung,

arguing that these references support the Examiner's reliance on Official Notice. However, as argued previously **Reisman, Reed, Arango and Kung all fail to support the Examiner's reliance on Official Notice**. For instance, Reisman teaches a "method for distributing information to a plurality of user station configured for communication with a plurality of servers over various communication media (Reisman, column 5, lines 18-29 and column 7, lines 25-44). The Examiner appears to be confusing communication over a telephone network with *managed* objects that comprise objects *corresponding to* a telephone network. Objects communicating over telephone network are very different from *managed* objects *corresponding to* a telephone network. The Examiner's reliance on Reed, Arango and Kung is similarly misplaced. Applicants note that the examiner has failed to substantively respond to this argument and fails to demonstrate how the cited art regarding communication over a telephone network support the Examiner's Official Notice regarding managed objects that comprise object corresponding to a telephone network. Instead, the Examiner merely repeats the same contention regarding Reisman, Reed, Arango and Kung (See, Office Action, June 18, 2007, pp. 6-7 and Final Action, November 28, 2007, p. 6).

Thus, the rejection of claims 8, 27 and 46 is improper and removal thereof is respectfully requested.

The Examiner rejected claims 11-15, 30-34 and 49-53 under 35 U.S.C. § 103(a) as being unpatentable over Barker, Barry, CORBA/TMN and Olden in view of Official Notice. Applicants respectfully traverse this rejection for at least the reasons presented regarding their respective independent claims.

In further regard to claims 11-15, 30-34 and 49-53, the Examiner takes official notice that "both the concept and advantages of providing access to a logging service, to log an ID of a user, to log an ID of the object is well known and expected in the art." Pursuant to M.P.E.P. § 2144.03, Applicants have traversed the Examiner's taking of official notice in regard to the specific combination of features recited in these claims. Applicants assert that it was not well known in the prior art for a gateway that provides

object-level access control to provide access to a logging service, to log an ID of user or to log an ID of a managed object. In fact, as admitted by the Examiner, Barker, Barry and CORBA/TMN all fail to teach providing access to a logging service, to log an ID of user or to log an ID of a managed object. Pursuant to M.P.E.P. § 2144.03 Applicants repeat the previous assertion that “the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. *See also* 37 CFR 1.104(c)(2), (d)(2) and *In re Zurko*, 258 F.3d 1379, 1386 (Fed. Cir. 2001).

In the Response to Argument, the Examiner cites Reisman, Reed, Arango and Kung, arguing that these references support the Examiner’s reliance on Official Notice. However, Reisman, Reed, Arango and Kung all fail to support the Examiner’s reliance on Official Notice. For instance, Reisman teaches a “method for distributing information to a plurality of user station configured for communication with a plurality of servers over various communication media (Reisman, column 5, lines 18-29 and column 7, lines 25-44). However Reisman fails to mention anything regarding a gateway that provides object-level access control to provide access to a logging service, to log an ID of user or to log an ID of a managed object. The Examiner’s reliance on Reed, Arango and Kung is similarly misplaced. Thus, the rejection of claims 11-15, 30-34 and 49-53 is improper and removal thereof is respectfully requested.

The Examiner rejected claims 1, 5-7, 9, 16, 17, 20, 24-26, 28, 35, 36, 39, 43-45, 47, 54-55 and 58-60 under 35 U.S.C. § 103(a) as being unpatentable over Barker in view of Barry and Buckle, et al. (hereinafter “Buckle”). Applicants respectfully traverse this rejection for at least the following reasons.

Regarding claim 1, contrary to the Examiner’s assertion, the combination of Barker, Barry and Buckle fails to teach or suggest a gateway configured to provide object-level access control between the one or more managers and the managed objects to receive the one or more events from or to send the one or more requests to the managed objects, where the object-level access control is provided at an individual object level so

that one or of the one or more managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects.

Barker discloses a system including “access control based on client name and password” (Barker, column 8, lines 45-46). Barker describes this as “a method of *client based* access control of network elements” (emphasis added, Barker, column 30, lines 45-46). Further, Barker summarizes his access control features as “the *client based access control* ... provides a means to restrict access on a *command/client basis*”, and does not describe his access control features as restricting access at the object level (emphasis added, Barker, column 31, lines 10-12).

The Examiner asserts that Barker teaches a gateway configured to provide “object-level control”, referring to the use of a naming service and citing column 8, line 53 – column 9, line 19, and column 7, lines 47-63. The Examiner is incorrect. These passages of Barker only refer to Barker’s use of EMAPI, CORBA, Java, C++ and SNMP, but fail to mention anything regarding any sort of “object level control”. Although Java and C++ are object-oriented programming languages, that does not imply any sort of object-level control for delivering events to or receiving requests from managed objects as recited in claim 1, contrary to the Examiner’s assertion. Additionally, “object-level control” (as stated by the Examiner) is not the same as “object-level *access* control” (as recited in claim 1). Controlling an object and control access to that object are two very different things. Thus, the Examiner’s comments in regard to the teachings of Barker are not relevant to the actual limitations recited in claim 1.

Barry teaches a web-based, integrated customer interface system for data management. Barry’s customer interface system includes a graphical user interface for enabling a user to interact with services provided by remote servers located in the Internet and utilizes a web paradigm to allow easy and convenient access to all of the services from the user’s perspective. The Examiner relies on Barry to teach or suggest “usage at individual object level”, citing column 15, lines 31 – 62 of Barry. However, Applicants’ claim does not recite “usage at individual object level”. Instead, Applicants’ claim

recites that “object-level access control is provided at an individual object level so that one or more managers is granted access to one of the managed objects while being prevented from interfaces with a different one of the managed objects.” The cited portion of Barry does not mention anything regarding providing object-level access control at an individual object level, as recited in Applicants’ claim. Instead, at the cited passage, Barry describes an order entry application used “to order, fulfill, and bill for, as well as administer, the suite of data management applications.” Barry describes that all access to the suite of applications is controlled by user identifiers and passwords and that “individual users are specifically granted access to only the necessary system objects, i.e., file, programs, menus, reports, etc.” However, Barry fails to teach or suggest any object-level access control provided at an individual object level. Instead, Barry teaches that the Order Entry application “provides the ability to prevent unauthorized, non-customer access to data and applications in the system.” Thus, Barry’s access control is provided on a user or client basis, not at an individual object level.

Additionally, it is unclear how “usage at an individual object level” relates to object-level access control. **The fact that Barry teaches a graphical user interface for enabling a user to interact with services provided by remote servers has absolutely no relevance to object-level access control.** Additionally, even if it were proper to combine the references, the combination of Barker and Barry would at most result in Barker’s system, including client-based access control that utilizes the graphical user interface taught in Barry. Such a combination does not teach or suggest anything about object-level access control for delivering events to or receiving requests from managed objects as recited in claim 1.

The Examiner relies on Buckle to teach “access control so that one of the managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects”, citing FIGs 2-10, 12- 15 and column 3, line 46 – column 4, line 41. Buckle teaches an agent oriented computing environment including an agent shell that can be sued by developers for constructing agent computing entities according to their own functionality requirements. Buckle’s

system also includes an agent enabling layer providing basic communication, brokering and negotiation between agent computing entities. However, Buckle fails to teach any sort of access control whatsoever and clearly fails to teach “access control so that one of the managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects” as asserted by the Examiner. Buckle teaches an environment in which agent computing entities can efficiently identify each other and quickly assess the functionality of peer agents (column 3, lines 19-30). None of the Examiner’s cited figures illustrates any sort of access *control*. Instead, Buckle illustrates various features of his system enabling access and communication between agents.

Similarly, the Examiner’s cited passage from Buckle (column 3, line 46 – column 4, line 41) describes an agent communication interface including an agent communication language. Buckle teaches that an agent may include an object oriented representation of a system and may actively seek, and cooperate with, other agents by reference to a broker service. Specifically, Buckle teaches that by transmitting “an ontology” between agents, task functionality available at a first agent may be made available to other agents “in a defined and unambiguous form.” Nowhere does Buckle describe or even mention any sort of access control. Buckle clearly fails to teach “access control so that one of the managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects” as asserted by the Examiner. Apparently, the Examiner is confusing providing “access” with providing “access control so that one of the managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects”.

The Examiner argues that the “object-level control” of Barker combined with the “concept of usage at individual object level” of Barry and further combined with the domain-based “access control” of Buckle somehow teaches or suggests the specific limitation of providing object-level access control between managers and managed objects to receive the one or more events from or to send the one or more requests to the managed objects, where the object-level access control is provided at an individual object

level, as recited in Applicants' claim 1. **The Examiner's position is completely unsupported by the teachings of the cited art.** None of the references, either alone or in combination teach or suggest object-level access control between managers and managed objects to receive the one or more events from or to send the one or more requests to the managed objects, where the object-level access control is provided at an individual object level, as recited in Applicants' claim 1. Instead, as shown above, Barker, Barry and Buckle all teach access control that is specifically not provided at an individual object level. The access control of Barker is at the client level and Barry's is at the user level. As noted above, Buckle fails to teach any sort of access control whatsoever. Furthermore, Barry is completely silent in regard to any type of access control for receiving events from or sending requests *to managed objects*, as managed objects are understood in the art.

The Examiner's combination of Barker, Barry and Buckle does not in any way teach or suggest a gateway that is configured to provide object-level access control between the one or more managers and the managed objects to receive the one or more events from or to send the one or more requests to the managed objects, where the object-level access control is provided at an individual object level so that one or of the one or more managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects, as recited in claim 1. Instead, even if the combination of references was proper, the Examiner's proposed combination of Barker, Barry and Buckle would at most result only in the CORBA-based remote management system of Barker, that utilized the graphical user interface as taught by Barry and that also includes agent discovery and communication as taught by Buckle. Thus, the Examiner's proposed combination of Barker, Barry and Buckle clearly does not teach all the limitations of Applicants' claim 1. As the Examiner is surely away, to establish a *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Obviousness cannot be established by combining or modifying the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion or incentive to do so. *In re Bond*, 910 F. 2d 81, 834, 15 USPQ2d

1566, 1568 (Fed. Cir. 1990). Since, as shown above, the Examiner's combination of Barker, Barry and Buckle fails to teach all the limitations of Applicants' claim 1, the Examiner has failed to provide a *prima facie* rejection.

Moreover, there is no reason found in the evidence of record to combine the teachings of the cited art in a way that would result in Applicants' claimed invention. The rejection of claim 1 is clearly a case of the Examiner simply attempting to identify features of Applicants' claimed invention in disparate references. The Examiner is clearly attempting a piecemeal reconstruction of Applicants' invention in hindsight without considering the claimed invention as a whole. Such reconstruction is improper. *See, e.g., Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1985) (it is insufficient to select from the prior art the separate components of the inventor's combination, using the blueprint supplied by the inventor); *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051-52, 5 USPQ 2d 1434, 1438 (Fed. Cir. 1988). The Examiner cannot use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. *In re Fritch*, 23 USPQ 2d 1780, 1784 (Fed. Cir. 1992). "One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988).

The Examiner merely states that it would have been obvious to combine the teachings of Barker and Barry "because the concept of accessing individual object level would enhance supporting event / request by the object." This statement by the Examiner is found nowhere in any evidence of record and thus can only have come in hindsight from Applicants' own teachings. The Examiner's stated reason is merely a desired result from the combination in an attempt to reconstruct Applicants' claimed invention, not a suggestion or motivation to combine Barker and Barry.

An obviousness claim that lacks factual evidence of a reason for one of skill in the art to combine prior art references to produce the claimed invention is defective as

hindsight analysis. In addition, the showing of a reason to combine prior teachings “must be clear and particular. Broad conclusory statements regarding the teaching of multiple references, standing alone, are not ‘evidence’.” *In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999). The art must fairly teach or suggest to one to make the specific combination as claimed. That one achieves an improved result by making such a combination is no more than hindsight without an initial suggestion to make the combination. Such an initial suggestion must be supported by evidence of record.

The Examiner has also failed to state a proper reason to combine the teachings of Buckle with those of Barker and Barry. The Examiner states that it would have been obvious to combine the teachings of Barker and Barry with those of Buckle because “the concept of accessing a single object would enhance supporting event/request for the particular object” (Office Action, June 18, 2007, pp. 13-14). The Examiner also states that “prevention of not accessing the other object when accessing the object would enhance supporting event/request specific to the object and not in common with the other object” (Office Action, June 18, 2007, p. 14). These statements by the Examiner are found nowhere in any evidence of record and thus can only have come in hindsight from Applicants’ own teachings. None of the cited art suggests “prevention of accessing the other object when accessing the object would enhance supporting event/request specific to the object and not in common with the other object”. The Examiner has again merely stated a desired result from the combination in an attempt to reconstruct Applicants’ claimed invention, not a reason to combine the teachings of Buckle with those of Barker and Barry.

Whether a reason to combine prior art references has been demonstrated is a question of fact. *Winner Int’l Royalty Corp. v. Wang*, 202 F.3d 1340, 1348, 53 USPQ2d 1580, 1586 (Fed. Cir. 2000). The statute clearly places the burden of proof to satisfy the question of fact on the Examiner which requires him to produce the factual basis for his rejection. *In re Warner*, 154 USPQ 173, 177 (C.C.P.A. 1967), *cert. denied*, 389 U.S. 1057 (1968). **The Examiner has completely failed to meet his burden of proof since the Examiner has not provided any factual evidence showing a proper reason or**

suggestion of desirability to combine Barker, Barry and Buckle. “The factual inquiry whether to combine references must be thorough and searching.” *McGinley v. Franklin Sports, Inc.*, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001). It must be based on objective evidence of record. “This precedent has been reinforced in myriad decisions, and cannot be dispensed with.” *In re Lee*, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002). *See, e.g., In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) (“particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed”); *In re Rouffet*, 149 F.3d 1350, 1359, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998) (“the [Examiner] must identify specifically the principle, known to one of ordinary skill, that suggests the claimed combination. In other words, the [Examiner] must explain the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious.”); *In re Fritch*, 972 F.2d 1260, 1265, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992) (the examiner can satisfy the burden of showing obviousness of the combination “only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references”).

Furthermore, Barker teaches away from object-level access control. Barker teaches that a client can specify a range of managed object instance identifiers, or even *request all instances* in a managed object call through the managed object instance identifier parameter (Barker, column 25, lines 27-28). Hence, Barker teaches that once a client has been properly authenticated at the start of a session, that client may then register for attribute update notification for a number of managed objects through a single call. Such functionality is clearly not compatible with object-level access control, and thus Barker clearly teaches away from object-level access control, wherein the object-level access control is provided at the individual object level so that one of the managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects. Thus, Barker actually teaches away from the Examiner’s proposed combination of Barker, Barry and Buckle. References that teach away cannot serve to create a prima facie case of obviousness. *In re Gurley*, 27 F.3d 551,

553, 31 USPQ2d 1131, 1132 (Fed. Cir. 1994). Moreover, since Barker teaches away from object-level access control, modifying Barker to use object-level access control would necessarily change the principle of operation of Barker's system. As the Examiner is surely away, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious; M.P.E.P. § 2143.01; and *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Thus, for at least the reasons above, the rejection of claim 1 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 1 also apply to claims 58.

Regarding claim 20, the combination of Barker, Barry and Buckle does not teach or suggest determining on a managed object level whether or not the manager application is allowed to receive an event generated by one of a plurality of managed objects or to send a request to the one of the plurality of managed objects as a function of the identity of the user of the manager application. The Examiner cites column 7, lines 47-63 and column 8, line 53 – column 9, line 19 of Barker. However, the cited passages do not mention anything about determining *on a managed object level* whether or not a manager application is allowed to receive an event generated by a managed object or send a request to a managed object as a function of the identity of the user of the manager application. Instead, these passages of Barker only refer to his use of EMAPI, CORBA, Java, C++, and SNMP, but fail to mention anything regarding any sort of access control for any portion of Barker's system. The Examiner has not cited any particular portion in Barker that describes the features the Examiner is attributing to Barker's system. In fact, the Examiner is incorrectly assuming that Barker's use of CORBA and the IIOP protocol includes object level access control such that one of the managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects.

Barker further teaches the use of a single service object “to provide services for a class of managed objects” (underlining added) (Barker, column 14, lines 42-43) and that the EM server “will implement one application-specific service object for each type of physical or logical resource to be managed” (underlining added) (Barker, column 39, lines 60-62). Applicants assert that access control on a command/client basis while using a single service object for *each class* of managed object actually teaches away from determining *on a managed object level* whether or not the manager application is allowed to send a request to the managed object. As note above

Furthermore, Barker fails to disclose that access for the manager application to receive the event or send the request is approved or denied for said one of the plurality of managed objects at the individual object level so that the manager application is granted access to one of the plurality of managed objects while being prevented from interfacing with a different one of the plurality of managed objects. Instead, Barker discloses a method “of *client based* access control of network elements” (emphasis added, Barker, column 30, lines 45-46) that “provides a means to restrict access on a *command/client basis*” (emphasis added, Barker, column 31, lines 10-12). Barker does not describe his access control features as restricting access at the object level. Please refer to Applicants arguments above regarding claim 1 for a more detailed discussion regarding Barker’s failure to teach object level access control.

Barry and Buckle are not relied upon by the Examiner to teach this limitation, nor do they overcome the above-noted deficiencies of Barker regarding determining on a managed object level whether or not the manager application is allowed to receive an event generated by one of a plurality of managed objects or to send a request to the one of the plurality of managed objects as a function of the identity of the user of the manager application. Or about where access for the manager application to receive the event or send the request is approved or denied for said one of the plurality of managed objects at the individual object level so that the manager application is granted access to one of the plurality of managed objects while being prevented from interfacing with a different one of the plurality of managed objects. Thus, the Examiner’s combination of Barker, Barry

and Buckle does not teach or suggest the limitations of Applicants' claim 20.

For at least the reasons given above, the rejection of claim 20 is not supported by the prior art and its removal is respectfully requested. Similar remarks as discussed above in regard to claim 20 apply to claims 39, 59, and 60.

The also Examiner rejected claims 8, 27 and 46 under 35 U.S.C. § 103(a) as being unpatentable over Barker, Barry and Buckle in view of Official Notice, claims 11-15, 30-34 and 49-53 as being unpatentable over Barker, Barry, Buckle, Olden-RSA-Security in view of Official Notice. Applicants respectfully traverse the rejection of these claims for at least the reasons presented above, regarding their respective, independent claims.

In regard to claims 8, 27 and 46, the Examiner takes official notice that "both the concept and advantages of providing [an] object corresponding to a telephone network is well known and expected in the art." Pursuant to M.P.E.P. § 2144.03, Applicant traverses the Examiner's taking of Official Notice in regard to the specific combination of features recited in claims 8, 27 and 46. Applicant asserts that it was not well known in the prior art for a gateway coupled to a plurality of managed objects and which is configured to deliver events generated by the managed objects to one or more managers or to deliver one or more requests generated by the one or more managers to one or more of the managed objects and wherein the gateway is configured to provide object-level access control between the one or more managers and the managed objects, wherein the managed objects comprise one or more objects corresponding to a telephone network. Pursuant to M.P.E.P. § 2144.03 Applicants repeat the assertion that "the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. *See also* 37 CFR 1.104(c)(2), (d)(2) and *In re Zurko*, 258 F.3d 1379, 1386 (Fed. Cir. 2001). **As discussed above, the additional references cited by the Examiner do not support the Official Notice.**

Moreover, the Examiner's stated reason to combine the teachings of his Official

Notice with the other cited references is completely conclusory and not supported by any evidence of record. Thus, the rejection of claims 8, 27 and 46 is improper and removal thereof is respectfully requested.

In further regard to claims 11-15, 30-34 and 49-53, the Examiner takes official notice that “both the concept and advantages of providing access to a logging service, to log an ID of a user, to log an ID of the object is well known and expected in the art.” Pursuant to M.P.E.P. § 2144.03, Applicant traverses the Examiner’s taking of official notice in regard to the specific combination of features recited in these claims. Applicants assert that it was not well known in the prior art for a gateway that provides object-level access control to provide access to a logging service, to log an ID of user or to log an ID of a managed object. In fact, as admitted by the Examiner, Barker, Barry and CORBA/TMN all fail to teach providing access to a logging service, to log an ID of user or to log an ID of a managed object. Pursuant to M.P.E.P. § 2144.03 Applicants repeat the previous assertion that “the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. *See also* 37 CFR 1.104(c)(2), (d)(2) and *In re Zurko*, 258 F.3d 1379, 1386 (Fed. Cir. 2001). Furthermore, the Examiner’s stated reason to combine the teachings of his Official Notice with the other cited references is completely conclusory and not supported by any evidence of record. **As discussed above, the additional references cited by the Examiner do not support the Official Notice.**

The Examiner rejected claims 2-4, 10, 21-23, 29, 40-42 and 48 under 35 U.S.C. § 103(a) as being unpatentable over Barker, Barry and CORBA/TMN in view of Olden (U.S. Patent 6,460,141)/RSA Security, Inc. (hereinafter “Olden-RSA-Security”), claims 18, 37 and 56 as being unpatentable over Barker, Barry, CORBA/TMA in view of Hearne, et al. (U.S. Publication 2001/0052113) (hereinafter “Hearne”) in view of Solstice Enterprise Manager 4.1 Managing your Network (hereinafter “Solstice”), claims 19, 38 and 57 as being unpatentable over Barker, Barry, CORBA/TMN in view of Hearne, claims 2-4, 10, 21-23, 29, 40-42 and 48 as being unpatentable over Barker, Barry and Buckle in view of Olden-RSA-Security, claims 18, 37 and 56 as being unpatentable over

Barker, Barry and Buckle in view of Hearne and Solstice, claims 9, 38 and 57 as being unpatentable over Barker, Barry, Buckle in view of Hearne. Applicants respectfully traverse the rejection of these claims for at least the reasons presented above regarding their respective, independent claims.

Section 102(e) Rejections:

The Office Action rejected claims 1-6, 8-11, 16, 17, 20-25, 27-30, 35, 36, 38-44, 46-49, 54, 55 and 58-60 under 35 U.S.C. § 102(e) as being anticipated by Vuong et al. (U.S. Patent 6,430,578) (hereinafter “Vuong”) and also as anticipated by Spencer (U.S. Patent 6,253,243). Applicants respectfully traverse these rejections for at least the reasons presented below.

Regarding claim 1, contrary to the Examiner’s assertion, Vuong fails to disclose a gateway which is coupled to a plurality of managed objects and which is configured to deliver one or more events generated by the managed objects to one or more managers or to deliver requests generated by the managers to one or more of the managed objects. Vuong teaches a naming service that provides unique identifiers and addresses for processes on a computer network. Vuong’s name service includes a database of the identifiers and addresses and the name service responds to queries by searching the database and returning any results. (Vuong, Abstract; column 2, lines 7-15).

The Examiner cites column 5, line 57 – column 6, line 23. However, the cited passage describes how Vuong’s name service accepts names from agents on the computer network and, after determining whether or not the name is unique, either adds the agent’s name to the name service’s database or sends a “refuse request” message to the agent. The cited passage does not mention any gateway coupled to a plurality of managed objects. Database entries are not managed objects, as managed objects are understood in the art. Presumably the Examiner interprets Vuong’s name service as a gateway. However, Vuong’s name service is not coupled to a plurality of managed objects. Instead, Vuong’s name service merely handles requests to add names to as well as

queries to retrieve information from the name service's database. Even if one could interpret Vuong's name service database as a managed object, which Applicants maintain one cannot, the database is clearly not managed by the requesting agents. Merely requesting that a name and/or address be inserted as an entry into the database does not constitute *managing* the database. Clearly Vuong's name service manages the database. In fact, Vuong very clearly states, "Name Service 112 *maintains* a database holding identification and addressing information" and "the database *controlled by* the Name service is an object-oriented database" (emphasis added, Vuong, column 3, lines 57-63). Thus, Vuong teaches that his name service controls and maintains the database.

Additionally, agents registering their names with Vuong's name service are not managers and do not generate requests to managed objects. Instead, Vuong's agents merely request that their name (and address) be included in the name service's database. Vuong does not teach that an agent registering its name with the name service is a manager generating requests to a managed object. Instead, as noted above, Vuong's name service maintains and controls the database.

Vuong also fails to disclose a gateway configured to provide object-level access control between the managers and the managed objects. The Examiner cites column 2, lines 26-52 and column 6, lines 42-59 of Vuong. The first cited passage provides an introduction to Vuong's name service for "managing names and identities of processes running on a computer network" (Vuong, column 2, lines 26-28). This passage further describes how Vuong's name service includes a receiver that accepts a name from a process on the computer network and a comparator configured to determine whether the process is a component of the computer management infrastructure for the computer network. The second cited passage (Vuong, column 6, lines 42-59) describes the ability of Vuong's name service to respond to "relatively sophisticated queries." For example, Vuong's query syntax supports prefixes, suffixes, infixes, and full or partial names using wildcards. This passage further describes how registered entities may receive updates or changes made to the name service's database. However, nowhere in either cited passage,

nor in fact in the entire Vuong reference, is there any mention of a gateway configured to provide *object-level access control* between managers and managed objects.

Instead, Vuong provides a name service that collects, maintains, and disseminates unique identifiers and addresses for processes on a computer network. Providing identifiers and addresses for processes on a computer network is clearly not the same as providing object-level access control between managers and managed objects. Vuong does not mention any sort of access control in his name service. The Examiner seems to be implying that any form of object-level access necessarily includes object-level access *control* at the individual object level. However, object-level access can be provided with or without imposing object-level access *control*. Vuong does not disclose or complete any form of access control.

Furthermore, Vuong fails to disclose wherein the object-level access control is provided at the individual object level so that one of the managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects. The Examiner again cites column 2, lines 26-52 and column 6, lines 42-59 of Vuong. However, neither of these passages mentions anything regarding an agent, which the Examiner is presumably interpreting as a manager, being granted access to one database entry, which the Examiner is presumably interpreting as a managed object, while being prevented from interfacing with a different one of the database entries. Instead, the cited passages describe how Vuong's name service responds to queries. Vuong doesn't mention anything regarding preventing access to his database on an entry-level basis. **The Examiner has failed to ever respond to this argument.**

Thus, for at least the reasons above, the rejection of claim 1 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 1 also apply to claims 58.

Regarding claim 20, Vuong fails to disclose determining on a managed object level whether or not the manager application is allowed to receive an event generated by one of a plurality of managed objects or to send a request to the one of the plurality of managed objects as a function of the identity of the user of the manager application. The Examiner cites column 7, lines 9-32. However, the cited reference has absolutely no relevance to determining, as a function of the identity of a user of the manager application whether or not the manager application is allowed to receive an event generated by or to send a request to one of a plurality of managed object. Instead, the cited reference merely describes how an agent, or other entity on the computer network, can de-register with Vuong's name service and thereby remove its name from the name service's database. The cited reference makes no mention to determining whether or the requesting agent can access a managed object. Even if one interprets the entries of Vuong's database as managed object, which Applicants maintain one cannot, the cited passage still does not disclose anything regarding determining whether or not the de-registering agent can access the database entry. Instead, Vuong teaches only that the name service checks the agent's name against the database and if it is found, the entry is removed.

Vuong also fails to disclose whereby access for the manager application to receive the event or send the request is approved or denied for said one of the plurality of managed objects at the individual object level so that the manager application is granted access to one of the plurality of managed objects while being prevented from interfacing with a different one of the plurality of managed objects, contrary to the Examiner contention. The Examiner cites column 8, lines 21-42 of Vuong. Applicants can see no relevance of the cited passage. The cited passage discusses the "various devices and entities" that reside on and communicate over a computer network. Vuong mentions devices and entities such as client computers, data storage devices, modems, printers, hubs, routers, packet switches, hosts, and bridges. The cited passage is, however, completely silent regarding approving or denying access for a manager application at an individual object level so that the manager application is granted access to one while being prevented from interfacing with a different one of a plurality of managed objects.

The Examiner seems to be arguing that merely listing various devices that may reside and communicate on a computer network implies providing such access control at an individual object level. The Examiner is clearly inserting his own assumptions into Vuong's system through hindsight speculation.

For at least the reasons given above, the rejection of claim 20 is not supported by the prior art and its removal is respectfully requested. Similar remarks as discussed above in regard to claim 20 apply to claims 39, 59, and 60.

The Examiner also rejected claims 1-6, 8-11, 16, 17, 20-25, 27-30, 35, 36, 39-44, 46-49, 54, 55 and 58-60 as being anticipated Spencer (U.S. Patent 6,253,243). Applicants respectfully traverse this rejection for at least the reasons presented below.

Regarding claim 1, Spencer fails to disclose a gateway configured to provide object-level access control between the managers and the managed objects to receive the events from or to send the requests to the managed objects, contrary to the Examiner's assertion. The Examiner cites a passage (column 5, lines 46-65) where Spencer describes how a user-developed management application 300 communicates with MIS server 306 via a portable management interface (PMI) 302. Spencer describes how PMI 302 is an object-oriented interface that provides access to management information. The cited passage does not teach anything about a gateway providing object-level access control between managers and managed objects. The Examiner has not provided any argument or explanation regarding his interpretation of the cited passage.

Spencer further fails to disclose wherein the object-level access control is provided at the individual object level so that one of the managers is granted access to one of the managed objects while being prevented from interfacing with a different one of the managed objects, contrary to the Examiner's contention. The Examiner cites column 7, lines 35-57 of Spencer. However, the cited passage teaches how Spencer's SNMP trap system extracts the IP address from an <agent_addr> field of the SNMP trap

Protocol Data Unit (PDU). The PDU is the format for SNMP trap data in Spencer's system. After extracting the IP address, Spencer's system determines if there is an object configured to represent that agent system. If such an object is found, the trap's originating system's `cmisnmpProxyAgent` instance is set as the source object instance for the trap alarm. Thus, the Examiner's cited passages not only fail to mention anything about object-level access control, it has no relevance to access control. Spencer does not teach anything about providing object-level access control at the individual object level so that a manager is granted access to one managed object while being prevented from interfacing with a different one of the managed objects.

Thus, for at least the reasons above, the rejection of claim 1 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 1 also apply to claims 58.

Regarding claim 20, contrary to the Examiner's assertion, Spencer fails to disclose sending an identity of a user of a manager application to a gateway. The Examiner cites column 7, lines 35-67 of Spencer. However the cited passage makes no mention of sending an identity of a *user of a manager* application to a gateway. Instead, the cited passage describes how Spencer's system uses an IP address to locate a proxy agent object to represent a SNMP trap's agent system. Nowhere does Spencer mention sending an identity of a user of a manager application to a gateway.

Additionally, Spencer fails to disclose determining on a managed object level whether or not the manager application is allowed to receive an event generated by one of a plurality of managed objects or to send a request to the one of the plurality of managed objects as a function of the identity of the user of the manager application, contrary to the Examiner's contention. The Examiner cites column 5, line 53 to column 6, line 13. However, the cited passage does not teach or even mention determining on a managed object level whether or not the manager application is allowed to receive an event generated by or to send a request to one of the plurality of managed objects as a function of the identity of the user of the manager application. Instead, the cited passage describes

how a managed application 300 communicates with an MIS server according to the portable management interface and how the portable management interface is able to access managed object instance state information, class schema, and event services. Spencer does not discuss or mention anything about an identity for a user of a manager application. Nor does Spencer mention determining whether or not the manager application can send requests or send events to managed objects as a function of the identity of the user of the manager application.

Spencer also fails to disclose whereby access for the manager application to receive the event or send the request is approved or denied for said one of the plurality of managed objects at the individual object level so that the manager application is granted access to one of the plurality of managed objects while being prevented from interfacing with a different one of the plurality of managed objects, contrary to the Examiner assertion. The Examiner again cites column 7, lines 35-67 of Spencer. However, as noted above, this passage does not mention any sort of object-level access control. Nowhere does Spencer mention anything regarding approving or denying the manager application access to receive an event or send a request at the individual object level. The cited passage fails to mention any sort of access control whatsoever. The Examiner has clearly misunderstood or misinterpreted the teachings of Spencer.

For at least the reasons given above, the rejection of claim 20 is not supported by the prior art and its removal is respectfully requested. Similar remarks as discussed above in regard to claim 20 apply to claims 39, 59, and 60.

Regarding all the §102 and §103 rejections discussed above, Applicants also assert that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejections have been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-48400/RCK.

Respectfully submitted,

/Robert C. Kowert/

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